

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES

CRIMINAL ACTION

v.

RICHARD BALLARD

NO. 03-810

ORDER

AND NOW, this 7th day of July, 2017, upon consideration of Motion to Correct Sentence under 28 U.S.C. § 2255 (Doc. No. 135, filed June 15, 2016), Order of the United States Court of Appeals for the Third Circuit granting movant's application to file a second or successive § 2255 motion (Doc. No. 136, filed October 21, 2016), Memorandum of Law in Support of Motion to Correct Sentence under 28 U.S.C. § 2255 (Doc. No. 139, filed March 28, 2017), Government's Response to Defendant's Motion for Relief under 28 U.S.C. § 2255 (Doc. No. 143, filed April 24, 2017), and Reply Memorandum (Doc. No. 146, filed May 23, 2017), for the reasons set forth in the accompanying Memorandum dated July 7, 2017, **IT IS ORDERED** that Motion to Correct Sentence under 28 U.S.C. § 2255 is **GRANTED** on the ground that defendant, who was sentenced on March 23, 2006, under the Armed Career Criminal Act, no longer qualifies as an Armed Career Criminal under 18 U.S.C. § 924(e). Defendant shall be **RESENTENCED** in due course without consideration of the Armed Career Criminal Act. Until defendant is resentenced, the sentence imposed on March 23, 2006, remains in effect.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.